IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929

WP(C).No. 30956 of 2007(I)
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OS.2053/2006 of PRL.MUNSIFF COURT,THRISSUR
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PETITIONER:
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JOJY, AGED 43,
S/O.MOYALAN FRANCIS, MARATHAKKARA DESOM AND
VILLAGE,THRISSUR TALUK, THRISSUR DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:
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1. STATE OF KERALA, REP. BY THE DISTRICT
COLLECTOR, COLLECTORATE, THRISSUR.

2. THE DEPUTY TAHSILDAR (RR),
TALUK OFFICE, THRISSUR.

3. THE VILLAGE OFFICER,
EDAKUNNI VILLAGE OFFICE, EDAKUNNI,
THRISSUR DISTRICT.

BY GOVT. PLEADER SRI. V.TEKCHAND

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**M.N.Krishnan, J.**

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**W.P(C).No.30956 of 2007**

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**Dated this the 18th day of October, 2007.**

**JUDGMENT**

This Writ Petition is filed seeking a direction to the Principal Munsiff, Thrissur to hear and dispose of Exts.P2 and P4 applications before further proceeding based on Ext.P3. Suit is one for injunction to restrain the State from selling the property which according to the writ petitioner, belongs to him and not liable to be proceeded with. Ext.P3 is a sale notice whereby the property in dispute is proposed to be sold in public auction on 22.10.2007. The writ petitioner on coming to know about the same, moved the court below for advancement of the injunction petition and for an expeditiously disposal. It is not done by the court.

2. Whatever it may be, when a suit is filed and an injunction is also prayed for and the party wants a disposal of that application, it is only just that the application is disposed of and the matter be proceeded further with. Suppose the sale

takes effected on 22.10.2007 then virtually the injunction will become infructuous and therefore I direct the Principal Munsiff, Thrissur to dispose of Exts.P2 and P4 applications as expeditiously as possible within a time limit of one month from today and direct the respondents herein not to proceed with the sale which is proposed to be held on 22.10.2007 and defer the same by a period of one month.

Writ Petition is disposed of accordingly.

M.N.Krishnan,
Judge.

ess 18/10